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An excellent addition with the present edition is a note at page 289 on constructive trusts imposed on devisees or grantees who have secured a devise or grant absolute on its face, on an oral promise to hold in trust for certain uses. But one comment may be made on the use of the cases here. Even a careful reading discloses no distinction between a grant *inter vivos* and a devise on the question whether the intended beneficiary of the express trust, unprovable by the seventh section of the Statute of Frauds, may enforce a constructive trust against the grantee or devisee. In both cases he is treated as equally able to do so according to the particular facts and the jurisdiction. It may be thought such a distinction is necessary under the authorities.

Other valuable notes may be found with full collections of authorities, on the subjects of the liability of a trustee for the misappropriation of trust funds by the trustee's agent, though the discussion is not carried out to include the related and important point respecting the liability of a depository bank for the laches, defaults and insolvency of the collection agencies, bank or notarial, which it employs; the subject of equitable conversion as affecting trustees which is a distinct addition to Mr. Perry's original text; the extent of the liability of one trustee for breaches of trust by his co-trustee; legal trust investments in the various States; the American rule on the liability of a defaulting trustee for simple or compound interest. And in the second volume the main additions are exhaustive notes on charitable trusts, together with the original note by Mr. Perry; an especially careful note on the rules governing a mingling of trust funds with the funds of the trustee, and collecting the English and American authorities on the rule that withdrawals from the mingled funds by the trustee for his own purposes, are presumed to be from his own funds, and the qualifications thereof where the protection of the *cestui* demands it, to which might be added the recent case of *Newell v. Hadley*, 92 N. E. 507, 515 (Mass., 1910); and a discussion of the doctrine of *Dearle v. Hall*, 3 Russ 1, collecting to date, the American cases adopting or rejecting the rule.

The editor has largely contented himself with statements of settled law or of the trend of judicial opinion. He has not held a brief for either side on the disputed points. The merit, therefore, of the work done is the summary it presents. It is not going too far to say the result of his labor has made Judge Perry's work a present help in the study of trusts, and enhanced its value to the lawyer who practices in the subject. In doing either Mr. Howes has retained the standing of the book as the leading American authority on this difficult branch of the law.

R. J. B.

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THE EARLY COURTS OF PENNSYLVANIA. By William H. Loyd. Boston: The Boston Book Company. 1910.

The present volume, a part of the University of Pennsylvania Law School Series, constitutes a commendable effort to contribute to the understanding of the historic development of American law. As the author states, colonial legal history has not received the attention it deserves. It is, indeed, a rich field in which nearly every phase of judicial and legislative law-making is illustrated. The history of the colony of Pennsylvania is especially interesting, as it takes its beginning with the political and legal ideas of Penn. The author has studied the development of the entire system of courts in Pennsylvania down to the beginning of the nineteenth century. The work is founded upon direct research in all the available sources. The value of this book is enhanced by the manner of treatment; the author does not confine himself to a study of the organization of courts, but in dealing with their jurisdiction and methods he presents an abundance of interesting material which throws light upon the general development of law in the colonial era and the early decades of the Commonwealth. The book is thus of permanent value, and constitutes a building stone in the slowly growing edifice of American legal history.

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